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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,311	03/16/2001	Milton Silva-Craig	13036US01	2494
23446 7590 01/22/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER GILLIGAN, CHRISTOPHER L	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/681,311

Applicant(s)

SILVA-CRAIG ET AL.

Examiner

Luke Gilligan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 10/15/07, the following has occurred: claims 1, 18, 29, 38, and 47 have been amended. Now, claims 1-50 are presented for examination.
2. The rejections under 35 U.S.C. 112, second paragraph have been withdrawn by the Examiner based on changes made by Applicants to the claims.
3. The rejections under 35 U.S.C. 102(e) of claims 18-28 have been withdrawn by the Examiner based on changes made by Applicants to the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Beaulieu et al., U.S. Patent Application Publication No. 2002/0091659.

6. As per claim 29, Beaulieu teaches a method for integrating transmission of medical information and at least one medical image, said method comprising: converting said medical information from a first format into a second format compatible with said at least one medical image in response to receiving said medical information (see paragraph 0032, i.e. conversion of text information); automatically creating an association between said medical information in said second format with said at least one medical image at an interface unit in response to converting said medical information (see paragraph 0033), said at least one medical image and

said medical information in said second format associated for transmission based on a common identification element (see paragraph 0033); and transmitting substantially together in time said medical information in said second format with said at least one medical image and said association to a data center for storage for later retrieval based on said common identification element (see paragraph 0035).

7. As per claim 30, Beaulieu teaches the method of claim 29 as described above. Beaulieu further teaches storing said medical information in said second format with said at least one medical image in said data center (see paragraph 0036).

8. As per claim 31, Beaulieu teaches the method of claim 29 as described above. Beaulieu further teaches storing said medical information in said second format with said at least one medical image in an archive in said data center (see paragraph 0036).

9. As per claim 32, Beaulieu teaches the method of claim 29 as described above. Beaulieu further teaches storing said medical information in said second format with said at least one medical image in a web based viewer in said data center (see paragraph 0009).

10. As per claim 33, Beaulieu teaches the method of claim 29 as described above. Beaulieu further teaches said data center comprises an application service provider (see paragraph 0035).

11. As per claim 34, Beaulieu teaches the method of claim 29 as described above. Beaulieu further teaches said medical information comprises radiology information (see paragraph 0030).

12. As per claim 37, Beaulieu teaches the method of claim 29 as described above. Beaulieu further teaches said second format comprises a standard text format (see paragraph 0032).

13. Claims 38-46 and 47-50 recite substantially similar method limitations to those already addressed in claims 29-34 and 37 and, as such, are rejected for similar reasons as given above

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaulieu et al., U.S. Patent Application Publication No. 2002/0091659 in view of Ilkin et al., U.S. Patent Application No. 2003/0130786.

16. As per claims 35 and 36, Beaulieu teaches the method of claim 29 as described above. Beaulieu does not explicitly teach translating from HL7 to SQL format. Ilkin teaches translating medical information from HL7 to SQL format (see paragraph 0021). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature into the system of Beaulieu. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of a greater variety of access to pertinent patient information (see paragraph 0010 of Ilkin).

Response to Arguments

17. Applicant's arguments filed 10/15/07 with respect to claims 29-50 have been fully considered but they are not persuasive.

Allowable Subject Matter

18. Claims 1-28 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The primary reasons for indicating the allowability of claims 1-28 is

the inclusion of the limitations found in all of the claims that is not found in the prior art of a medical information source that provides medical information in a medical information format, a medical image source that provides medical images in a medical image format, and, upon receiving the medical information at an interface unit, the interface unit is adapted to automatically translate the medical information into a medical image format-compatible format, in response to automatically translating, the interface unit automatically creates associated medical data in the form as claimed, the interface unit being further adapted to transmit the associated medical data to a data center. The closest prior art (Wong, Rothschild, and Gropper) teaches a system with the same elements that performs the functions of translating medical information to a medical image format, creating associated medical data , and transmitting the associated medical data to a data center. However, the prior art, and Wong in particular, fails to teach an interface unit that is adapted to automatically translate the medical information into a medical image format-compatible format in response to receiving the medical information and , in response to automatically translating, the interface unit automatically creates associated medical data in the form as claimed.

19. In addition, Beaulieu teaches a similar system as described above in the rejection of claim 18. However, Beaulieu does not explicitly teach creating associated medical data as claimed because Beaulieu teaches a medical image source containing medical images in a first medical image format and translating them to a second medical image format before creating the associated medical data. Therefore, claims 1-17 distinguish over Beaulieu as well.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/7/08


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